

UNITED STATES DISTRICT COURT - DISTRICT OF MASSACHUSETTS

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC;
UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No. 1:23-CV-11313

**EMERGENCY MOTION TO CORRECT TRANSCRIPT OR TO OBTAIN AUDIO
RECORDING FOR CORRECTION OF TRANSCRIPT OF THE JULY 27, 2023 HEARING**

1. I hereby move the court to correct the transcript or to allow me to obtain a copy of the audio recording for correction of the transcript of the 7/27/27 hearing in this court. Grounds are below.
2. The case was removed to this court by the defendants from state court.
3. Thereafter, several motions were filed in this court by both parties including motions to dismiss filed by the defendants.
4. A hearing was set for the motions to dismiss on July 27, 2023.
5. On July 27, 2023, a hearing was held in the above-captioned matter and the hearing had a court reporter present.
6. During the hearing, the court indicated that it wished to transfer the case to the NH federal court and wanted to know if there were any objections to that. I initially indicated my objection but the court further clarified that this would ensure that no party was injured and that the transfer was the fairest thing to do so that the case could get on to the actual merits. Part of my concern also included statute of limitations being exploited by the defendants, but the judge stated that there would be no such issue if the case was transferred. Then the judge stated that he did not intend for me to be “sandbagged” by the defendants with respect to the transfer, or something to that effect. I then indicated I would be open to the judge transferring the case. The judge then turned to the defendants and had them confirm their intent on the record, including that they would not raise jurisdictional defenses after transfer. Then the case was transferred to the NH federal court.
7. Thereafter, I wanted a copy of the transcript for my records and so I contacted the clerk of the session and was advised that I should contact the court reporter for a transcript.

8. I reached out to the court reporter but did not receive a response for some time.
9. After reaching out again to the clerk, eventually I received a response from the court reporter, who indicated that the delay in response was due to being on vacation or something to that effect.
10. I was subsequently provided with a transcript of the hearing by the court reporter.
11. However, upon review of the transcript, I detected that there were errors in the transcript.¹
12. In particular, there was an exchange between the judge and myself, where the judge explicitly mentioned there would be no statute of limitations issue upon transfer to the NH federal court. However, the transcript obscures, or eliminates this particular exchange.
13. This issue is important because the defendants are now trying for the first time to use statute of limitations against me in an improper second pre-answer motion to dismiss in NH federal court.
14. I now need to establish clearly what the judge stated because the defendants are disputing what was stated by the judge in this court. This issue is relevant to arguments currently being presented to the NH federal court on an improper second motion to dismiss. This is one reason why I am requesting expedited emergency treatment of this motion because time is of the essence.
15. I believe that a review of the recording will reveal a discrepancy between the transcript and the recording.
16. I hereby request a copy of the audio recording so that I may pinpoint with precision to the court reporter the error that needs to be corrected.
17. In the alternative, I ask the judge to review the recording and to resolve the matter as appropriate.
18. If the court has any other way to resolve this issue, I would be open to it.
19. In light of the foregoing, I request that the court provides the relief requested or other relief deemed right, just or proper. I ask for a pro se liberal construction to my request.

Respectfully submitted,
/s/Andre Bisasor
Plaintiff Andre Bisasor

November 28, 2023

¹ NB: I tried to seek correction of the transcript by contacting the court reporter but was told to contact the court. When I contacted the court clerk, I was told to file a motion. See Exhibit 1.

CERTIFICATE OF SERVICE

This filing is served to all parties of record via the e-filing system.

/s/ Andre Bisasor
Andre Bisasor

EXHIBIT 1

RE: Request for transcript | 1:23-cv-11313-WGY Bisasor v. Donais et al

From: Jennifer Gaudet (jennifer_gaudet@mad.uscourts.gov)

To: quickquantum@aol.com; bulldog@richromanow.com

Date: Monday, September 18, 2023 at 09:49 AM CDT

Good morning. I would suggest filing a motion for the Court's consideration.

From: Andre Bisasor <quickquantum@aol.com>

Sent: Monday, September 18, 2023 10:47 AM

To: bulldog@richromanow.com; Jennifer Gaudet <Jennifer_Gaudet@mad.uscourts.gov>

Subject: Re: Request for transcript | 1:23-cv-11313-WGY Bisasor v. Donais et al

CAUTION - EXTERNAL:

Jennifer

Could you assist me with getting answers to the below i.e. what's the process for getting transcription corrections done in federal court? I haven't received any from the court reporter.

Otherwise is there a court administrator i should contact about this issue?

Thx

Andre

On Wednesday, September 13, 2023 at 11:52:46 AM EDT, Andre Bisasor <quickquantum@aol.com> wrote:

Jennifer,

I reached out to the court reporter for help on this matter but he has not provided any information to help. Please see the email chain below.

-Andre

On Wednesday, September 13, 2023 at 11:46:05 AM EDT, Jennifer Gaudet <jennifer_gaudet@mad.uscourts.gov> wrote:

Good afternoon. The court reporter is the person that can help. He is cc'd on this email so hopefully he will be reminded of your request.

Get [Outlook for iOS](#)

From: Andre Bisasor <quickquantum@aol.com>
Sent: Wednesday, September 13, 2023 11:03:15 AM
To: bulldog@richromanow.com <bulldog@richromanow.com>; Jennifer Gaudet <Jennifer_Gaudet@mad.uscourts.gov>
Subject: Re: Request for transcript | 1:23-cv-11313-WGY Bisasor v. Donais et al

CAUTION - EXTERNAL:

Dear Jennifer,

Can you please assist me with the below request for information on how to initiate corrections of a transcript produced by the court or court transcriber? I tried getting clarification from the court transcriber but was unable to obtain the necessary information.

Otherwise, if there is someone else that I should direct my question to about this, please let me know

Sincerely,

Andre Bisasor

On Wednesday, September 13, 2023 at 10:59:13 AM EDT, Andre Bisasor <quickquantum@aol.com> wrote:

Dear Rick.

In state court, which I have done before, errata sheets are or can be used to correct errors in transcripts. So I am not clear on your reference to state court below.

Also, just to be clear, I was not asking to buy the audio, so I am not sure why that was emphasized in your response.

It sounds like the bottom line is that you are telling me that there is not a way for me to initiate a correction of a transcript directly with your office.

I just wanted to know if there was a simple process that you could inform me of. It sounds like there is not, as far as you stated thus far.

I will then address the matter further beyond your office.

Sincerely,

Andre Bisasor

On Wednesday, September 13, 2023 at 10:48:38 AM EDT, Richard Romanow <bulldog@richromanow.com> wrote:

The errata sheet is for depositions, not court proceedings, state or federal.

In the Federal system nobody is entitled to the backup recordings, they are NOT for sale under any circumstances. It is our work product.

As far as making motions for revisions to transcripts, that is indeed legal advice.

Rick Romanow, U.S. District Court Reporter, Boston, J. Young

On 9/13/2023 10:38 AM, Andre Bisasor wrote:

Dear Rick,

To just to clarify, I am not seeking advice on legal matters. I am asking a procedural/administrative question i.e., I am asking if there is a process for correcting errors for a transcript produced by your office. For example, state courts allow an errata sheet to be submitted to the transcriber or court for suggested corrections, and then the transcriber will review the audio to determine if the suggested errata corrections are warranted, and if so then enter the corrections for a revised transcript which is subsequently produced. Is there some equivalent process for transcript corrections in this court? Otherwise, should I direct my simple procedural/administrative question about this to someone else? If so, please let me know who that is (i.e., would that be the clerk, or the judge or someone in the administrative office of the federal court?).

Thanks you for your kind assistance with this matter.

Andre Bisasor

On Wednesday, September 13, 2023 at 10:24:53 AM EDT, Richard Romanow <bulldog@richromanow.com> wrote:

I cannot advise you on legal matters. I certify, on the last page, that I have produced the transcript to the best of my abilities.

Rick Romanow, U.S. District Court Reporter, Boston, J. Young

On 9/13/2023 10:19 AM, Andre Bisasor wrote:

Dear Rick,

This confirms that I received the below.

I do have a question regarding possible corrections. If there is a need for any corrections, how is that done or how do I go about seeking that, if I have suggested (minor) corrections? and is there a deadline for that?

-Andre

On Tuesday, September 5, 2023 at 01:01:24 PM EDT, Richard Romanow <bulldog@richromanow.com> wrote:

I've attached the transcript and invoice, in pdf, to this e-mail and it will be filed on PACER forthwith. Please acknowledge receipt.

I've been out the last 3 weeks on vacation so I couldn't respond to your e-mails.

Thanks,

Rick Romanow, U.S. District Court Reporter, Boston, J. Young

On 9/3/2023 3:46 PM, Andre Bisasor wrote:

Dear Jennifer,

I reached out to Richard twice regarding the transcript since August 22 and 23. It has been about 12 days and I have not heard back. Could you ensure that he receives my message and request?

Thx

Andre Bisasor

On Wednesday, August 23, 2023 at 04:11:41 PM EDT, Andre Bisasor <quickquantum@aol.com> wrote:

Hello Richard,

Just wanted to confirm that you received my email below. Could you please confirm?

-Andre

On Tuesday, August 22, 2023 at 01:49:07 PM EDT, Andre Bisasor <quickquantum@aol.com> wrote:

Dear Richard,

I have a request for the transcript of the 7/27/23 hearing in MA federal court with Judge Young. Can you please assist me?

Thanks,

Andre

----- Forwarded Message -----

From: Jennifer Gaudet <jennifer_gaudet@mad.uscourts.gov>

To: Andre Bisasor <quickquantum@aol.com>

Sent: Tuesday, August 22, 2023 at 10:45:50 AM EDT

Subject: RE: Request for transcript | 1:23-cv-11313-WGY Bisasor v. Donais et al

Good morning Mr. Bisasor. You should request a copy of the transcript from Judge Young's court reporter. His name is Richard Romanow and can be reached by email only at: bulldog@richromanow.com

From: Andre Bisasor <quickquantum@aol.com>

Sent: Monday, August 21, 2023 5:27 PM

To: Jennifer Gaudet <Jennifer_Gaudet@mad.uscourts.gov>

Subject: Request for transcript | 1:23-cv-11313-WGY Bisasor v. Donais et al

CAUTION - EXTERNAL:

Dear Jennifer,

If I have a request for the transcript of the 7/27/23 hearing in MA federal court with Judge Young, do I direct that request to this court or to the NH federal court where the case transferred? and how can I obtain a transcript?

Sincerely,

Andre Bisasor

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.